

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

) Confirmation No.: 5009
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) Group Art Unit: 2151
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Applicant: BAIKAR) Examiner: Khanh Q Dinh
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Application No.: 10/731,649) ARGUMENTS IN SUPPORT OF PRE-
) APPEAL BRIEF REQUEST FOR REVIEW
)
Filing Date: 12/09/2003) Attorney Docket No.: P17122
)
For: LOCATION INFORMATION VIA) PTO Customer Number 28062
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Mail Stop AF (via EFS)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit the following arguments in support of the accompanying Pre-Appeal Brief Request For Review.

Arguments begin on page 2 of this paper.

ARGUMENTS

Applicants raise the following arguments as evidence of clear error in the outstanding final rejection of independent claims 1, 24, and 30 and dependent claim 2. Each independent claim recites storing location information in a dynamic host configuration protocol message.

Claims 1, 2, 24, and 30 are rejected under 35 U.S.C. §102(c) as being anticipated by US Patent No. 7,000,015 (“Moore”).

Amended independent claim one discloses a method comprising receiving a request from a second network device for a first network device connected to a network to look up location information. The request is contained in a first dynamic host configuration protocol (“DHCP”) message. The method further comprises determining the location information looked up by the first network device, storing the location information in a second dynamic host configuration protocol message, and sending the location information to the second network device in the second dynamic host configuration protocol message.

The art of record cannot be seen to disclose or to suggest storing location information in a DHCP message and sending the location information to a network device in the DHCP message.

The conventional uses of DHCP messages are well known in the art but the use of DHCP in a manner as described in the present application cannot be seen to be disclosed or suggested by the prior art. The Final Office Action only discloses conventional uses of DHCP messages and fails to disclose a use as suggested in the present application.

Moore discloses a system and method for providing physical location information and references several conventional uses of DHCP messages. However, the system in Moore, as stated in column 26, lines 34 – 50, only delivers location information from a service associated with Microsoft’s Windows operating system to an application via a common API but does not disclose or even suggest that location information is delivered IN a DHCP message.

The Final Office Action cites to specific locations in Moore that reference DHCP. Firstly, the Final Office Action cites to Column 10, lines 20 –61. This section discloses that a DHCP

service will either request a DCHP renew or a DHCP discover which are both well known DHCP messages (i.e. a DHCP renew simply renews a lease of an IP address and a DCHP discover message is a message sent by a client to discover what leases are available.) However, nowhere does this section state that location information will be stored inside a DHCP discover message or a DHCP renew message.

The Advisory Action states that “Moore discloses the applications claimed invention by showing a network device connecting to another network device using DHCP and using Network Location Resolution Service Provider (NLRSP) provided by the host computer to discover aspects of the new network connections.” Applicants respectfully disagree.

The NLRSP, through a series of steps as disclosed in section V, discovers aspects of new network connections. The NLRSP steps include 1) polling network interfaces to be automatically notified whenever a network driver senses a network connected event 2) constructing a network name for each logical network connected to a computer 3) correlating the network name with a global unique identifier to be presented to applications to obtain more information about a network and 4) presenting information to an application that asks for other information.

Therefore, the example given in the Advisory Action, “[i]nformation used by the NLRSP to construct network names include the domain name of the network (obtainable via DHCP message)” is part of the second step as mentioned above that only constructs network names which is not location information. Moreover, the quoted statement does not disclose storing data into the DHCP message.

As previously stated, Moore only discloses the use of DHCP using conventional DHCP messages. Therefore, nowhere can Moore be seen to disclose or to suggest storing the location information in a dynamic host configuration protocol message and sending the location information to a network device in the dynamic host configuration protocol message.

In view of the foregoing, amended independent claim 1 and its related dependent claims are believed to be in condition for allowance. Amended independent claims 24 and 30 recite

similar limitations. Therefore, amended independent claims 24 and 30 are also believed to be in condition for allowance.

Claim 2

Amended dependent claim 2 discloses that the location information comprises a latitude and a longitude of the second device.

As stated in MPEP §2131, a claim is anticipated only if each and every element as set forth in the claim is found, in a single prior art reference.

As previously stated, Moore only discloses conventional uses of DHCP messages and nowhere can the art of record be seen to disclose or to suggest storing a latitude and a longitude in a DHCP message. Moore, at column 26 lines 34 – 50, discloses that location information may be a latitude and longitude pair and may be “presented to applications via a common API” but does not disclose that the a latitude and longitude pair are stored in any of the DHCP messages. Therefore, since each and every element set forth in dependent claim 2 cannot be found in Moore, the rejection of claim 2 under 35 U.S.C. §102(e) is improper.

CONCLUSION

For at least the reasons given above, it is submitted that the final rejection of the application is improper and should be withdrawn. If any questions arise regarding the application or any of the cited references, or if the panel has suggestions for expediting allowance of the application, the panel is kindly invited to contact the undersigned via telephone at (203) 972-4982.

Respectfully submitted,

December 19, 2007

Date

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

P17122

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed name _____

Application Number

10/731,649

Filed

12/09/2003

First Named Inventor

Sundee M. Bajikar

Art Unit

2151

Examiner

Khanh Q. Dinh

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Richard S. Finkelstein/

Signature

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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Registration number if acting under 37 CFR 1.34 56,534

December 19, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted

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